

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Alexis Templeton, et al.,)	
)	
Plaintiffs,)	
v.)	
)	
Sam Dotson, Chief of Police,)	
City of St. Louis,)	
Jon Belmar, Chief of Police)	
County of St. Louis,)	No.
Capt. Ron Johnson, Missouri)	
Highway Patrol, In their official)	
capacities and as part of the Unified)	
Command)	
)	
Defendants.)	
)	

DECLARATION OF MARQUES BANKS

I, Marques Banks, hereby declare as follows:

1. I am a United States citizen and a permanent resident of Westland, Michigan. I currently live in Alexandria Virginia, where I attend school.
2. I am a law student at Catholic University. I am an African American man. I am 26 years old.
3. I came to St. Louis when the Grand Jury decision in the Michael Brown case was announced in order to serve as a legal observer at demonstrations. It was very important to me to come to St. Louis after the announcement, even though it meant that I would miss the Thanksgiving holiday with my family, and miss preparation for my final exams.

4. I believe people have the right to demonstrate to change bad policies. This is why I went to law school. While in St. Louis, I observed at least a half dozen peaceful demonstrations over multiple days.

November 28, 2014

5. On the night of Friday November 28, 2014, I was serving as a legal observer at demonstrations in front of the Ferguson Police Department in Ferguson Missouri. I arrived shortly after 8p.m. and stayed until almost midnight.
6. When I arrived, I noticed that there was a large and highly militarized police presence. Every corner had at least one convoy and at least three national guardsmen stationed. The crowd began to march down the street.
7. More and more police appeared in the area in front and near the police department. I observed several Ferguson Police officers. Most of the police officers I observed were not wearing any name badges or any form of visible identification.
8. At that point, the police came in from the side to block off the street. The police gathered in formation – four rows of cars, three columns wide – twelve cars in total. The police got out of the cars and began marching towards demonstrators.
9. The street was blocked on each corner. People were sandwiched in on both sides. There was no exit or way to disperse or vacate the area. Every exit

was blocked. There was no way to get out for about the next hour, when they began letting people get to their cars. For a while there was no way you could get out; you were trapped.

10. At that point, police told everyone they had to get out of the street. The only place people could really stand was on or next to the private property across from the police station. People gathered on the sidewalk and into the lot.
11. People began singing a solidarity chant. Police responded by getting into formation, realigning themselves at the police department facing demonstrators.
12. The demonstration petered out and people started to dissipate. As the numbers died down, police re-opened the streets again. But they still prohibited people from going into the street, so people were still clustered in the area. A few people who did go into the street were immediately arrested. I saw police aggressively tackle people to the ground as they arrested them, three officers per person. I witnessed 7 arrests almost immediately.
13. At this point, the police began spraying pepper spray at demonstrators. There was no announcement before the pepper spray began. The police rushed in and people were blocked in and didn't have any way to reasonably get out of the way. If you went one way, you'd be running into the stream of police; if you went the other way, you got hit with pepper spray. They didn't

clear a path for people to go or announce that they would spray.

14. Then police began arresting anyone who was in the street. I witnessed a journalist who simply went briefly into the street to get a better view, get pushed, grabbed and summarily arrested by police without any order to stand down or opportunity to stand back.
15. I also witnessed that police were targeting specific people in the crowd for arrest. I heard members of law enforcement point out specific demonstrators (i.e., "that's him in the blue jacket") to target.
16. I was disturbed by the police responses I witnessed. I am from Detroit and I've been police use pepper spray, but this seemed ridiculous and targeted. People were penned in; it was as if the pepper spray was being used as punishment.
17. I believe that unless this behavior is stopped that people will be prevented from exercising first amendment rights in the future.

November 30, 2014

18. I attended another demonstration on the afternoon of Sunday, Nov. 30, 2014 in downtown St. Louis. When I arrived sometime after 3p.m., people were in front of the Edward Jones Dome, where a Rams Football Game was being held.
19. I immediately noticed a large contingent of police. I first noticed about 15 officers in soft uniforms, but then approximately 40 officers in riot gear

appeared coming from the back. Then, as the group marched around the stadium, they were confronted with several dozen additional officers in riot gear coming from the other side as well. At that point, two people went into the street, got on their knees, held their hands up and were promptly arrested.

20. At that point, police told the crowd that if they were “unlawfully in the street,” they would be subject to arrest and to “chemical munitions.” I noticed that all of the officers in riot gear had their batons out and were holding them in front of their bodies. Some were holding canisters that I assume was tear gas.
21. People made a real effort to stay on the sidewalk until they could get to the cross walk to cross the street.
22. After the two who originally went in the street were arrested, no one was in the street any more. At that point, the officer changed the instruction. Rather than telling folks that they would be “unlawfully in the street,” instead this time he said that people were engaged in an “unlawful protest” and would be subject to arrest and “chemical munitions.” I found this very confusing.
23. The police order seemed very vague to me, because it was completely unclear what was unlawful about the assembly if no one was in the street. You had no way of knowing whether what you were doing could subject

you to arrest. Since everyone was on the sidewalk, we had no way to know what behavior constituted an “unlawful protest.”

24. Eventually, they allowed the crowd that had gathered on the sidewalk to cross the street and they headed back towards Keiner Plaza. The police followed in suit. Walking back, I noticed that police were talking with each other and pointing to certain people in the crowd, like the Bishop who later got arrested.
25. Once we got back to Keiner Plaza, the police boxed us in at the park in Keiner Plaza. The police circled around the corner. The area was cut off to where you couldn't really go anywhere. Then they came in closer.
26. At that point, I noticed one person in the street. He was immediately tackled and arrested.
27. I observed an unidentified young woman, who I later learned was Nile McClain, standing nearby on the sidewalk ask about their first amendment rights to be present there. I watched as she was immediately tackled – they hit her hard to the ground, and she wasn't in the street at all. They continued to hit her further. People in the crowd began saying, “they're hitting her, they're hitting her.” The police continued to stay on her. It took a long time to effectuate the arrest; it appeared to me that they were assaulting her during that time.
28. Bishop Derrick then got on the megaphone and asked what was unlawful

about the activity. I watched as he went further into the park and was summarily arrested.

29. The police circled the park around the intersection of 7th and Pine., making a right angle and moving in –so folks were being pushed further and further into the park. I saw an officer holding a gray and blue can – which I assumed was tear gas – at the ready. Immediately thereafter a lady had a seizure. Someone tried calling for an ambulance.
30. The tension eased after the seizure. The police got on a bus and left. Demonstrators slowly dispersed after that.
31. The incident disturbed me. I am studying to be a lawyer and believe that police should adhere to principals of law and protect the rights afforded to people in the constitution.
32. After my observations of various demonstrations in St. Louis over the last few days, I believe that unless this behavior is stopped that people will be prevented from exercising first amendment rights in the future.

I declare under penalty of perjury under the laws of the United States of

America that the foregoing is true and correct. Executed on

December 3rd, 2014.

Marques Banks
Marques Banks